

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,)	CASE NO. 8:03CR151
)	
Plaintiff,)	
)	
vs.)	ORDER
)	
CARVORGGIO YLLANDAS BROWN,)	
)	
Defendant.)	

This matter is before the Court on the following motions: the Defendant's pro se motion to reduce his sentence as a result of crack cocaine Amendment 706 to the sentencing guidelines (Filing No. 64); and defense counsel's motion to withdraw (Filing No. 67).

The Defendant pleaded guilty to Counts I of the Indictment charging Brown with conspiring to distribute and possess with intent to distribute 50 grams or more of a mixture or substance containing crack cocaine, resulting in a statutory minimum sentence of 10 years. The Defendant was sentenced to 120 months imprisonment. Even with the change in offense level as a result of Amendment 706, the Defendant was sentenced to the mandatory minimum sentence and, therefore, he is not entitled to a reduction under Amendment 706. *United States v. McGuire*, 524 F.3d 891, 892 (8th Cir. 2008).

IT IS ORDERED:

1. The Defendant's motion to reduce his sentence as a result of crack cocaine Amendment 706 to the sentencing guidelines (Filing No. 64) is denied; and
2. Defense counsel's motion to withdraw filed on behalf of the Office of the Federal Public Defender (Filing No. 67) is granted.

DATED this 9th day of March, 2009.

BY THE COURT:

s/Laurie Smith Camp
United States District Judge